APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,953	01/17/2002	Darren D. Cofer	1100.1144101 (H0002091)	3315

			EXAMINER
128	7590	03/03/2004	GONZALEZ, MADELINE

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ART UNIT	PAPER NUMBER
2859	

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 10/052,953	Applicant(s) COFER ET AL.
	Examiner Madeline Gonzalez	Art Unit 2859	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☒ Newly proposed or amended claim(s) <u>22</u> would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Attachment*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: *11-24*.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1-10*.

    Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Response to Arguments

1.   Applicant's arguments filed on January 20, 2004 have been fully considered but they are

not persuasive.

2.   In response to applicant's argument that Heifler captures a live image only after an

intruder is detected by the IR sensor: Heifler discloses a method for detecting an object entering

a monitored area including the steps of: illuminating the monitored area with a light (pattern),

capturing a live image of the monitored area, including the light (pattern), and detecting an

object entering the monitored area when a change is detected in the light (pattern) in the live

image, as claimed by applicant. When the IR sensor 12 detects an object (intruder), the spotlight

is turned on and illuminates the monitored area. The camera 16 captures a live image of the

monitored area including the light (pattern), and a person observing the live image can detect an

object entering the monitored area by detecting a change in the light (pattern) in the live image,

since the object (intruder) will obscure part of the area illuminated by the light and this can be

considered a change in the pattern. In this case, the detection step is made a person and not by

the IR sensor. Furthermore, applicant is not claiming by which means the object is being

detected and the specific order of the method steps.

3.   In response to applicant's argument that the system of Heifler does not involve creating a

pattern: It is noted that the feature upon which applicant relies (i.e., creating a pattern) is not

recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Madeline Gonzalez whose telephone number is (571) 272-2243.

The examiner can normally be reached on Monday-Friday (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MG

Diego F.F. Gutierrez
Supervisory Patent Examiner
Technology Center 2800

Amendments to the Claims

This listing of claims will replace all prior versions, and listing, of claims in the application:

Listing of Claims:

1.   (Previously Presented) A method for detecting an object entering a monitored area, the method comprising the steps of:

illuminating the monitored area with a pattern;

capturing a live image of the monitored area, including the pattern; and

detecting an object entering the monitored area when a change is detected in the pattern in the live image.

2.   (Previously Presented) A method according to claim 1 wherein the detecting step detects an object entering the monitored area when the change in the pattern exceeds a predetermined threshold.

3.   (Original) A method according to claim 1 further comprising the steps of:

capturing a reference image of the monitored area, including the pattern; and

comparing the reference image and the live image to detect a change in the pattern in the live image.

4.   (Original) A method according to claim 1 wherein the monitored area is illuminated with a static pattern.

5.   (Original) A method according to claim 1 wherein the monitored area is illuminated with a dynamic pattern.

6.   (Original) A method according to claim 3 wherein the reference image and the live image each have a number of mask windows, and wherein the comparing step compares selected mask windows of the reference image to selected mask windows of the live image.

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